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PTO/SB/05 (12/97)

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 003824.P001

Total Pages 2

First Named Inventor or Application Identifier Mark E. Pennell, et al.

Express Mail Label No. EL431892555US

ADDRESS TO: Assistant Commissioner for Patents
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Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. X Specification (Total Pages 12 + 1 Cover Page)
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claims
 - Abstract of the Disclosure
3. X Drawings(s) (35 USC 113) (Total Sheets 6)
4. X Oath or Declaration (Total Pages 5) (Unsigned)
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed) (**Note Box 5 below**)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Copy
 - b. Paper Copy (identical to computer copy)
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & documents(s))
9. ☐ a. 37 CFR 3.73(b) Statement (where there is an assignee)
- ☐ b. Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☐ a. Information Disclosure Statement (IDS)/PTO-1449
- ☐ b. Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ a. Small Entity Statement(s)
- ☐ b. Statement filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Express Mail Certificate of Mailing
- _____
- _____

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No:

18. Correspondence Address

☐ Customer Number or Bar Code Label _____

(Insert Customer No. or Attach Bar Code Label here)

or

☒ Correspondence Address Below

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Sheena Hicks

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Sheena Hicks

Signature

11-10-99

Date

Serial/Patent No.: *** Filing/Issue Date: ***
Client: Gator.Com
Title: A WEB BASED EMAIL CONTROL CENTER

BSTZ File No.: 003284.P001 Atty/Secty Initials: GDC/sh
Date Mailed: November 10, 1999 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

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| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate) | <input type="checkbox"/> _____ Month(s) Extension of Time Amt <u>\$760.00</u> |
| <input checked="" type="checkbox"/> Application - Utility (<u>13</u> pgs., with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO 140 (____ pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.) | <input type="checkbox"/> Issue Fee Transmittal Amt: _____ |
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| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.) | <input type="checkbox"/> Petition for _____ |
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| <input checked="" type="checkbox"/> Certificate of Mailing (Express Mail) | <input type="checkbox"/> Response to Notice of Missing Parts |
| <input checked="" type="checkbox"/> Declaration & POA (<u>5</u> pgs.) (Unsigned) | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |
| <input type="checkbox"/> Disclosure Docs & Copy of Inventor's Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate |
| <input checked="" type="checkbox"/> Drawings: <u>6</u> # of sheets includes <u>6</u> figures | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate (2 pgs.) |

☐ Other: _____

Attorney Docket No.: 03824.P001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TITLE OF THE INVENTION:

A WEB BASED EMAIL CONTROL CENTER

INVENTORS:

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Prepared by

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03824.P001

This application claims the benefit of U.S. Provisional Application No. 60/107,790, filed November 10, 1998.

BACKGROUND OF THE INVENTION

5 Field of the Invention

The invention relates to the field of electronic mail messaging and in particular to a web based email control center for managing emails from multiple senders to different email addresses utilized by a particular user.

10 Description of the Related Art

Today, a user accessing web sites over the World Wide Web graphical user interface portion of the Internet may do so via one or more "portals" or "aggregators". With reference to Fig. 1, an individual can access various web sites over the Internet 100 using a web browser software application 101 such as Netscape Navigator available from American Online (AOL), or Internet Explorer available from Microsoft Corporation. The web sites provide such diverse services as online stock brokerage accounts 102, retail accounts 103, travel services 104, online auctions 105, online magazines and newspapers 106, and the like. In one instance, the user may access various web sites via a particular Internet portal site 110, such as America Online (AOL), and in another instance, access other web sites via a different portal site 120, such as Yahoo!

20 Visiting multiple web sites to check news, obtain stock quotes, examine retail orders, or book travel plans, can be cumbersome and repetitive. Retrieving information from multiple accounts is time consuming. Moreover, many sites require that the user provide personal information, such as the name, address, credit card number, and email address of the user. This

raises privacy concerns and opens the door for unsolicited emails directed to the user. When visiting certain web sites, such as when checking out the competition, a user may be reluctant to provide their email address, or provide a fake email address altogether. What is needed is a method and apparatus that provides for increased ease and convenience in managing a user's

- 5 Internet communications, in which information from multiple web sites is automatically retrieved, while at the same time ensuring the user's privacy and minimizing unsolicited email communications with the user.

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BRIEF SUMMARY OF THE INVENTION

A method and apparatus for accessing web sites on which the user has an account and providing notification of changes at the site. Improved electronic mail management is provided allowing all email to be collected and forwarded from a central site to other email addresses or 5 allowing for the user to view the email at the central site. The user may assign individual email addresses to any number of uses, for example, an individual email address for use in communicating with a particular commercial web site.

03824.P001

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

Fig. 1 illustrates a prior art system for communicating with multiple web sites via a web browser software application.

5 Fig. 2 illustrates single site notification of changes in status of a user's web site accounts in accordance with an embodiment of the present invention.

Fig. 3 illustrates generation of a unique email address for use in communicating with a web site in accordance with an embodiment of the present invention.

10 Fig. 4 further illustrates generation of a unique email address for use in communicating with a web site in accordance with an embodiment of the present invention.

Fig. 5 illustrates a user's email inbox in accordance with an embodiment of the present invention.

15 Fig. 6 illustrates an email control center and options related thereto in accordance with the present invention.

For ease of reference, reference numerals in the accompanying drawings typically are in the form "drawing number" followed by two digits, xx; for example, reference numerals may be numbered 3xx. In certain cases, a reference numeral may be introduced on one drawing and the same reference numeral may be utilized on other drawings to refer to the same item.

DETAILED DESCRIPTION OF THE INVENTION

Fig. 2 illustrates a web site change notification screen 201 in accordance with the present invention. A user receives notification of changes and status of multiple online accounts while
5 visiting a web site 200, in this instance, the preview travel web site. The user accesses the web site using a browser software application executing on a computing device, such as a personal computer, connected to the Internet's world wide web. It should be noted that while the described embodiment operates in conjunction with the Internet, the present invention may be implemented in an Intranet environment as well.

10 The notification screen is provided by a web site change notification software application. The notification software may be implemented as part of the web browser application, or a stand alone application. Additionally, the application may reside locally, at the user's computer, or reside at a central location, e.g., a server, accessible over the Internet. The software application underlies a fee-based or free service that may be provided by an e-
15 commerce business, e.g., BuyJupiter in the illustration provided in Fig. 2

The notification screen 201 provides up to date information for each of the sites listed in the screen 201. In one instance, the listed sites are previously selected by the user. The sites are listed if a change in status of the user's account at the sites is detected by the change notification software. Alternatively, the software may display the status of a selected number of most
20 recently visited web sites in which the user conducted a transaction. Thus, screen 201 displays the status of the user's Hotmail email account 210, the change in status of a bid on the auction site, eBay 211, stock trading activities at the user's online brokerage account 212, etc.

Attorney Docket No. 03824.P001

The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user. In any case, the change notification software provides seamless notification of all the user's transactions in a single, easy to view, pop up window. If the user desires further information regarding status of their account at a particular web site, the user may specify the Uniform Resource Locator (URL) address in the web browser, or follow a hyperlink to the site, if provided in the notification screen.

In another aspect of the invention, the Internet user is provided with significant flexibility and privacy in managing electronic mail messages. In one embodiment, the invention generates a new, revocable email address whenever needed or requested by the user; the user's primary email address is not needed to communicate with a web site. For example, the user may wish to remain anonymous when visiting a particular web site, as when checking out a competitor's web site that requires registration. An embodiment of the present invention allows the user to specify a unique email address for use in communicating with the service provided by the web site.

Additionally, the embodiment sends all emails to the user at a web based central email center and optionally sorts them by sender or other user configured designation. In this manner, an embodiment of the present invention enables a user to stop or suspend email from any sender at any time or forward the email to another email address, e.g., the user's business or Hotmail email address instead of the user's personal email address.

In another embodiment, the present invention provides notification of receipt of an email on the user's computer display screen.

The above mentioned email features of the present invention are better understood with reference to figures 3 and 4. In Fig. 3, the user is visiting the Eddie Bauer web site 300, and is

being asked by the web site to providing shipping and billing information, including the user's email address. A pop up window 301 is provided by an embodiment of the present invention to supply the necessary shipping and billing information. In particular, the user is able to specify at 302 the email address with which to correspond with the user. Email is to be sent to the

5 BuyJupiter email center.

As seen in Fig. 4, when the user information is supplied to the form at the web site 300 by the clicking on the fields in the pop up window 301, a unique email address 400 is created by concatenating a numeric value 833.543.5426 to the high level domain name @buyjupiter.com.

When the user registers at another web site, a different numeric value is provided by the present invention so that each account set up by the user may utilize a unique email address. If the user then receives email from the web site, whether solicited or unsolicited, the user is able to discern the sender of the email, as well as control future email correspondence with the web site by discarding the email address. It should be understood that while the email address generated by an embodiment of the present invention utilizes a numeric prefix, any alphanumeric character string that conforms with the applicable email communication standard, such as SMTP, may be utilized in conjunction with the high level domain name portion of the email address.

In Fig. 5, the user's inbox at the email center "BuyJupiter" is illustrated. Email is identified and sorted according to sender. Thus, an email from the Eddie Bauer web site is easily identified at 501. Figure 6 illustrates the email control center 600 as envisaged in accordance with the present invention. One of the key advantages of the control center is the automatic aggregation of information at one site, rather than requiring the user to visit multiple sites to view the information. Additionally, although the user is specifying different email addresses for

different accounts at different web sites, the user can receive notification at one site from each of the sites, providing for convenient, private electronic communication with the multiple accounts.

By selecting a check box associated with a particular web site, a user may delete the email address used by that particular web site to communicate with the user so that the user no longer receives email messages from the web site. For example, if the user wishes to no longer receive email from the Eddie Bauer web site, the user selects the check box 601 with a user input device such as a mouse pointer and then presses the delete button 602. Thereafter, Eddie Bauer is removed from the user's email control center as a sender of email to the user.

In another aspect of the present invention, the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated, for example, at 400. Thus, if a user wished to receive an email from the Eddie Bauer web site at the user's Hotmail email account, the user could forward the email to the user's Hotmail email address 603. The pull down list 604 allows the user to add to or select from any one of a number of different email addresses utilized by the user. In this manner, the user may receive email messages from a web site without having to identify the user's actual email address to the web site, thereby ensuring the user's privacy and ability to discard unwanted and/or unsolicited emails.

The email center further provides for the user's ability to configure when and how often to receive an email from a given sender. The notify column in the email control center provides for the user to configure whether to receive an email from a particular sender immediately, never, every so often, e.g., once a week, or after a particular number of email messages are received from the sender and accumulate in the user's email control center. In the instance case, the user has configured the email control center to forward email messages from the Eddie Bauer

web site to the user's Hotmail email account upon receipt of five new messages from the web site.

Given enough web sites with which the user has registered, the number of entries in the user's email control center becomes too numerous to easily view in the screen display depicted in Fig. 6. The user is able to separate and categorize web sites according to user defined preference. At 610, the user is provided a pull down list with which to add or select one of a number of categories, e.g., merchants, news, business, or the like, so that only web sites for a particular category are displayed.

ALTERNATIVES TO THE ABOVE EMBODIMENTS OF THE PRESENT INVENTION

There are, of course, alternatives to the described embodiment which are within the reach of one of ordinary skill in the relevant art. The present invention is intended to be limited only by the claims presented below.

CLAIMS

What is claimed is:

1. A method for communicating with multiple web sites, comprising:

- a) generating a unique email address when registering with a particular one of the multiple web sites;
- b) receiving emails from the multiple web sites at an email control center;
- c) identifying and sorting the emails according to the web sites from which the emails were received;
- d) forwarding the emails on to a user's email account in accordance with instructions provided by the user to the email control center.

ABSTRACT OF THE DISCLOSURE

Accessing web sites on which the user has an account and providing notification of changes at the site, and improved electronic mail management is provided, allowing all email to be collected and forwarded from a central site to other email addresses or allowing for the user to view the email at the central site. The user may assign individual email addresses to any number of uses, for example, an individual email address for use in communicating with a particular commercial web site.

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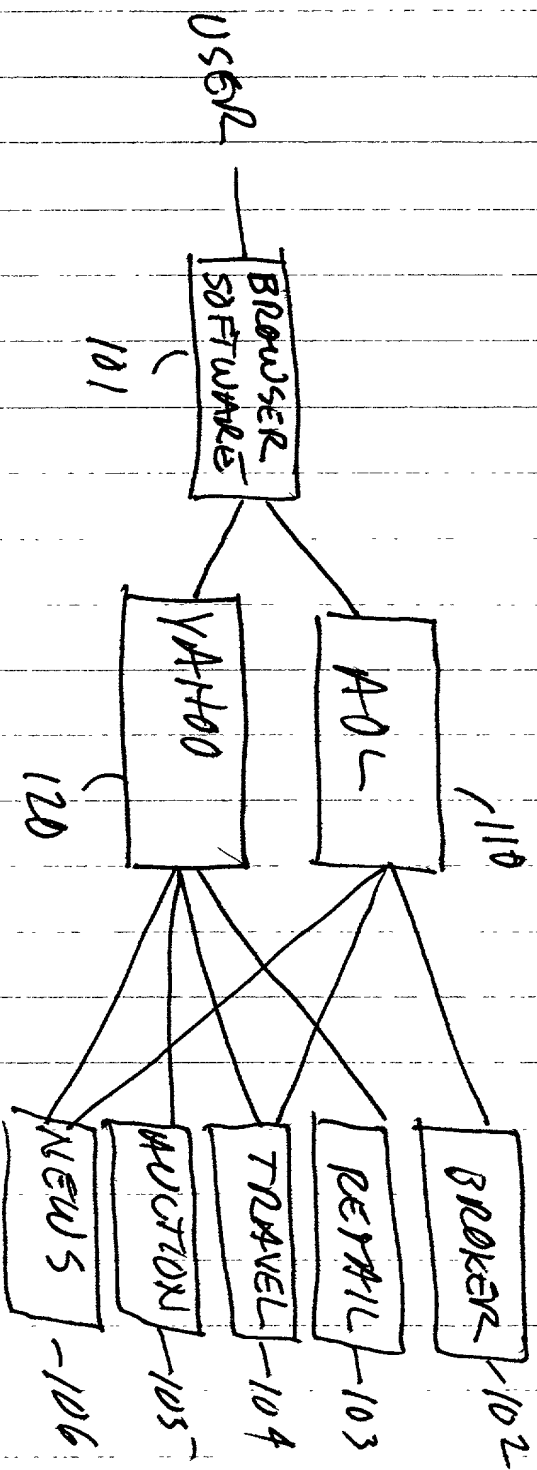


FIG 1 - PRIOR ART

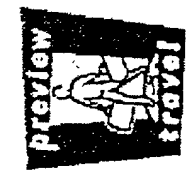
Hewlett Packard, Avery, C

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Site Shortcuts

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Visit our new Travel Store for travel clothing, outdoor gear, luggage, and more.

TRAVEL NEWSWIRE

WED, OCTOBER 21

TWA Nationwide Sale



DESTINATION GUIDES featuring Fodor's

Research your trip to destinations worldwide.

HOTEL RESERVATIONS

Make you online

BuyJupiter Notifications

- Since last visit - Oct 15: 3:00 pm:
- 7 new messages in Hotmail. -210
 - bid at eBay raised to \$240. -211
 - one of two trades made at eSchwab. -212
 - Optima had a charge over \$1000.
 - BofA Checking important message.
 - 2568 miles added to United Airlines.
 - Economist subscription expired.
 - 14 new specials from your merchants.

Options Help Close

Business Travel

Carfinder

Farefinder

FIG. 2

Address: https://www.eddiebauer.com/ShopEB/frame_orderform.asp?LineID=312&CallID=1390&SubcatID=

Virtual Dressing Room

Home | Shop EB | View Order | Send Order | Search | Place Cat

SEARCH

GO

More Detailed Search

Men's Sportswear

- Outerwear
- Knit Shirts
- Woven Shirts
- Sweaters
- Pants & Jeans
- Shorts
- Footwear
- Accessories
- Underwear

Shop EB

GO

How To Order

Customer Service

Sizing Chart

Fit Guides



SHOP



Shipping & Billing Information 300

Click [here](#) to log in and fill in your ordering information automatically.

Ordered by:

First Name:

Last Name:

E-mail Address:

Address:

Address:

City:

State:

Zip Code:

Site Helper

eGuard can automatically place the following information into this Web Page. Make any desired changes, then press 'Supply Info'.

Supply Info Organizer Help

Aleksandar S. Zorovic

Aleksandar S. Zorovic

Buyupluter: Email Center

Work: (650) 903-2255

Home: (650) 432-8847

Work: (650) 903-2258

Home Address

Work

1800 West El Camino Real

Suite 800

Mountain View CA 94040

Delivery Address

1800 West El Camino Real

Suite 800

Mountain View CA 94040

301

302

SEARCH

GO

More Detailed Search

Men's Sportswear

- Outerwear
- Knit Shirts
- Woven Shirts
- Sweaters
- Pants & Jeans
- Shorts
- Footwear
- Accessories
- Underwear

Shop EB

GO

How To Order

Customer Service

Sizing Chart

Fit Guides



Shipping & Billing Information

Click [here](#) to log in and fill in your ordering information automatically

Ordered by:

First Name: Aleksandar

Last Name: Zorovic

E-mail Address:

833.543.5426@buyjupiter.com

Address:

800 West El Camino Real

Add'l Address:

Suite 800

City:

Mountain View

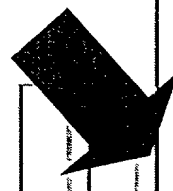
State:

CA

Zip Code:

94040

400



F16-4

Email Control Center 600 604 605

From	Forward	Notify
<input type="checkbox"/> Amazon.com	<input type="checkbox"/> Hotmail	<input type="checkbox"/> Immediately
<input type="checkbox"/> CNET 601	<input type="checkbox"/> Work	<input type="checkbox"/> No
<input type="checkbox"/> Eddie Bauer 603	<input type="checkbox"/> Hotmail	<input type="checkbox"/> Five New Messages
<input type="checkbox"/> eMarketer	<input type="checkbox"/> Hotmail	<input type="checkbox"/> No
<input type="checkbox"/> eSchwab	<input type="checkbox"/> Work	<input type="checkbox"/> Once a Week
<input type="checkbox"/> Internet Daily News	<input type="checkbox"/> Work	<input type="checkbox"/> Once a Week
<input type="checkbox"/> Jesse Berst's Anchor Desk	<input type="checkbox"/> Work	<input type="checkbox"/> Immediately
<input type="checkbox"/> Stanford Federal Credit Union	<input type="checkbox"/> Work	<input type="checkbox"/> Immediately
<input type="checkbox"/> United Airlines	<input type="checkbox"/> Stanford Alumni	<input type="checkbox"/> Immediately
<input type="checkbox"/> WSJ Interactive Edition	<input type="checkbox"/> No	<input type="checkbox"/> Once a Week

☐ Select all displayed senders

602 Use checkboxes to move, delete, or forward select messages and email addresses.

delete

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A WEB BASED EMAIL CONTROL CENTER

the specification of which

 X is attached hereto.
 was filed on _____ as
United States Application Number _____
or PCT International Application Number _____
and was amended on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

60/107,790 November 10, 1998
(Application Number) Filing Date

(Application Number) Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number) Filing Date (Status -- patented,
pending, abandoned)

(Application Number) Filing Date (Status -- patented,
pending, abandoned)

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Gregory D. Caldwell, BLAKELY, SOKOLOFF,
TAYLOR &

(Name of Attorney or Agent)

ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California
90025 and direct telephone calls to Gregory D. Caldwell, (408)
720-8598.

(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Mark E. Pennell

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Second/Joint Inventor Aleksandar Sasa Zorovic

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Third/Joint Inventor Denis R. Coleman

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

Full Name of Fourth/Joint Inventor _____

Inventor's Signature _____ Date _____

Residence _____ Citizenship _____
(City, State) (Country)

Post Office Address _____

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APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.